

D/F
C/F

COBERT, HABER & HABER

Attorneys at Law

TELEPHONE (516) 248-7844

FACSIMILE (516) 248-8124

EDWARD COBERT (DECEASED)

EUGENE F. HABER

AMY COBERT HABER

MARC H. WEISSMAN

MELANIE I. WIENER

DAVID C. HABER

MOVANT'S COUNSEL IS DIRECTED TO SERVE A
COPY OF THIS ORDER ON ALL PARTIES UPON
RECEIPT VIA FACSIMILE.

March 21, 2013

Honorable Arthur D. Spatt
United States District Court
100 Federal Plaza
Central Islip, New York 11722

Re: JTE Enterprises Inc. vs. Andrew M. Cuomo et al
Docket Number: CV-13-1425

Dear Judge Spatt:

After forwarding my letter of March 19, 2013 to the Court by electronic filing, on March 20, 2013 at about 2:00 pm. our office received a letter from Steven Koton, Esq. of the New York State Attorney General's office which we also forwarded to the Court by electronic filing. As readily seen in said letter, Mr. Koton advised that the New York State Department of Labor consented to the relief requested by the plaintiff, which is an Order that would restrain the New York State Department of Labor from enforcing a "Determination" that JTE is liable for the payment of Unemployment Insurance Contributions.

At approximately the same time, our office received your direction that opposing counsel should appear before Your Honor at 9:30 am on March 22, 2013 for oral argument of Plaintiff's application. In light of the Defendant New York State Department of Labor's consent, we ask whether the Court still wishes counsel to appear. I note that Plaintiff would still request that the Defendant's consent be noted on the Court's record.

Very truly yours,

Eugene F. Haber

cc: Steven Koton

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IN LIGHT OF THE PARTIES' REPRESENTATIONS,
THE COURT DEEMS THE MARCH 22, 2013
ORAL ARGUMENT TO BE UNNECESSARY. THE
COURT NOTES THE DEFENDANT'S CONSENT.
THE PARTIES MAY ENTER INTO A STIPULATION
INDICATING THE DEFENDANT'S CONSENT.
SO ORDERED.

(s) Arthur D. Spatt

ARTHUR D. SPATT, U.S.D.S.